UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO WESTERN DIVISION

In re POLYURETHANE FOAM ANTITRUST LITIGATION)))	MDL Docket No. 2196 Index No. 10-MD-2196 (JZ)
This document relates to:))	
All Direct and Indirect Purchaser Class Cases)	

NOTICE OF NON-SETTLING DEFENDANTS' OBJECTION TO DIRECT PURCHASER (CLASS) PLAINTIFFS' MOTION FOR FINAL APPROVAL OF SETTLEMENT WITH DEFENDANT VITAFOAM AND FOR FINAL APPROVAL OF VOLUNTARY DISMISSAL AND SETTLEMENT WITH DEFENDANT DOMFOAM AND OTHERS

The Non-Settling Defendants¹ file this Notice of Objection to preserve their objections to the Direct Purchaser (Class) Plaintiffs' April 22, 2013 Motion for Final Approval of Settlement with Defendant Vitafoam and for Final Approval of Voluntary Dismissal and Settlement with Defendant Domfoam and Others, ECF No. 538 (filed under seal), and the hearing on that motion currently scheduled to take place on May 7, 2013, for the reasons previously argued before this Court and stated in, *inter alia*, Magistrate Judge Knepp's October 23, 2012 Order.²

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¹ Defendants Carpenter Co., E.R. Carpenter, L.P., Carpenter Holdings, Inc., Flexible Foam Products, Inc., Foamex Innovations, Inc., Future Foam, Inc., Hickory Springs Manufacturing Company, Leggett & Platt, Incorporated, Mohawk Industries Inc., Woodbridge Foam Corporation, Woodbridge Sales & Engineering, Inc., and Woodbridge Foam Fabricating, Inc. (collectively, the "Non-Settling Defendants") jointly file this Notice of Objection.

² See Mem. of Law in Support of Certain Defs.' Response and Req. for Stay of Direct Purchasers' Mot. for Prelim. Approval of Settlement, ECF No. 301; Order, Jan. 23, 2012, ECF No. 323 (Knepp, Mag. J.); Mem. of Law in Support of Certain Defs.' Response to and Req. for Stay of Direct and Indirect Purchasers' Mots. For Prelim. Approval of Settlement, ECF No. 352; Order, Mar. 26, 2012, ECF No. 355 (Zouhary, J. & Knepp, Mag. J.); Non-Settling Defs.' Mem. in Response to Direct Purchasers' Mot. for Approval of Proposed Notice Program, ECF Nos. 376 (sealed version) & 377 (redacted public version); Order, Oct. 23, 2012, ECF No. 432 (Knepp, Mag. J.); Defendants' Court-Ordered Submission Regarding Settlement Class Certification, ECF No. 445. Non-Settling Defendants also rely on the presentations, materials, and oral arguments that they provided to the Court at the January 11, 2012, August 20, 2012, and October 24, 2012 hearings as well as on the March 23, 2012 on-the-record telephonic conference with the Court. See ECF Nos. 317 (Jan. 11, 2012 hearing transcript), 368 (Mar. 23, 2012 conference transcript), 422 (Aug. 20, 2012 hearing transcript) & 436 (Oct. 24, 2012 hearing transcript).

Dated: May 6, 2013

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CERTIFICATE OF SERVICE

I hereby certify that on May 6, 2013, a copy of the foregoing was filed electronically.

Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

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